

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EDDIE GARCIA,

Plaintiff,

v.

LEWIS TREE SERVICE, INC. and ROBERT GASTON,

Defendants.

**PROPOSED DISCOVERY
PLAN**

Civ. No. 21-CV-06393 (EAW)

Pursuant to the Order of the Honorable Elizabeth A. Wolford referring the above-captioned matter to United States Magistrate Judge Mark W. Pedersen for pretrial procedures and the entry of a Scheduling Order as provided in Federal Rules of Civil Procedure 16(b) and Local Rule 16.1(a), the parties submit the following proposed discovery plan/case management order in advance of the Rule 16(b) conference with the Court scheduled for April 27, 2022 at 10:45 a.m.

1. The parties do not unanimously consent to Magistrate Judge jurisdiction at this time.
2. Compliance with the mandatory disclosure requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure will be completed by May 6, 2022. The parties have no objections regarding the initial disclosure requirements.
3. All motions to join other parties and to amend the pleadings shall be filed no later than May 6, 2022.
4. All fact discovery shall be completed no later than November 30, 2022.
5. Plaintiffs shall identify any expert witnesses and provide any reports pursuant to Federal Rules of Civil Procedure 26(a)(2) no later than December 31, 2022. Defendant shall identify any expert witnesses and provide any reports pursuant to Federal Rules of Civil Procedure

26(a)(2) no later than January 31, 2023. All expert depositions and other expert discovery shall be completed no later than February 28, 2023.

6. Motions to compel discovery must be filed by October 31, 2022.

7. If the parties determine that a protective order is needed under Rule 26(c), they shall submit a proposed protective order to this Court at that time.

8. At this time, the parties do not request any changes to the limitations on discovery discussed in Federal Rule of Civil Procedure Rules 30, 33 or 34.

9. The parties do not reasonably foresee any issues concerning the discovery of electronically stored information, including the form or forms in which it should be produced.

10. To the extent attorney-client privilege may be asserted by any party, the parties agree that communications between counsel of record and their clients occurring on or after the date the Complaint (ECF Doc. 1) was filed with this Court do not need to be included on a privilege log.

11. Dispositive motions, if any, shall be filed by all parties no later than April 30, 2023.

12. The parties shall select a mediator and shall hold the first mediation session by June 8, 2022.

13. Plaintiff has demanded a jury trial. The parties currently anticipate that up to one week will be required for the trial.

Dated: April 20, 2022

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